

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BHUPATI R. BHATTACHARYYA (DECEASED),
SHU-JEN W. HUANG, CHANDRASHEKAR S. SHETTY,
NANG T. BUI and YVONNE O. DUNN
Junior Party¹

v.

JOHN J. WALDMANN
Senior Party²

¹ Application Serial Number 07/739,113, filed July 31, 1991, now U.S. Patent Number 5,215,1668, issued June 1, 1993, and Application Serial Number 07/681,751, filed April 8, 1991, now U.S. Patent Number 5,116,514, issued May 26, 1992 and both assigned to Nalco Chemical Company.

² Application Serial Number 08/208,593, filed March 11, 1994. Accorded benefit of U.S. Application Serial Numbers 08/047,624, filed April 15, 1993, now U.S. Patent Number 5,294,352, issued March 15, 1994; 07/763,880, filed September 20, 1991, and now abandoned; 07/409,396, filed September 19, 1989, and now abandoned; 07/096,681, filed September 15, 1987, and now abandoned; and 06/749,343, filed June 27, 1985, now U.S. Patent Number 4,891,422, issued January 2, 1990. Application Serial Number 06/749,343, filed June 27, 1985, now U.S. Patent Number 4,891,422, issued January 2, 1990. Application Serial Number 08/047,624, filed April 15, 1993, now U.S. Patent Number 5,294,352, issued April 15, 1993.

Interference No. 104,202

Interference No. 104,202

JUDGMENT

Before METZ, PATE and MARTIN, Administrative Patent Judges.

METZ, Administrative Patent Judge.

Receipt on May 10, 1999, of the paper captioned
**"BHATTACHARYYA REQUEST FOR ENTRY OF ADVERSE JUDGMENT (RULE
1.662(A))"** (Paper Number 11) is acknowledged. Therein,
Bhattacharyya et al., the junior party in this interference,
have requested that entry of adverse judgment be entered
against them with respect to all of their claims corresponding
to Count 1 in this interference.

Accordingly, pursuant to 37 C.F.R. § 1.662(a),
judgment as to the subject matter of Count 1 is hereby awarded
to John J. Waldmann, the senior party. John J. Waldmann, the
senior party, is entitled to claims 1 through 8 of his U.S.
Patent Number 4,891,422 corresponding to Count 1; John J.

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Waldmann is entitled to claims 1 through 8 and 18 through 20 of his U.S. Patent Number 5,249,352 corresponding to Count 1; and, John J. Waldmann is entitled to claims 40, 53 and 55 through 68 of his application for patent corresponding to Count 1. Bhupati R. Bhattacharyya (DECEASED), Shu-Jen W. Huang, Chandrashekar S. Shetty, Nang T. Bui and Yvonne O. Dunn, the junior party, are not entitled to their U.S. Patent Number 5,116,514 containing claims 1 through 8 corresponding to Count 1; and, Bhupati R. Bhattacharyya (DECEASED), Shu-Jen W. Huang, Chandrashekar S. Shetty, Nang T. Bui and Yvonne O. Dunn, the junior party, are not entitled to their U.S. Patent Number 5,215,668 containing claims 1 through 9 corresponding to Count 1.

ANDREW H. METZ)	
Administrative Patent Judge))	
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WILLIAM F. PATE, III)	BOARD OF PATENT
Administrative Patent Judge))	APPEALS
)	AND

Interference No. 104,202

)	INTERFERENCES
)	
)	
)	
JOHN C. MARTIN)	
Administrative Patent Judge))	

AHM/dal

Interference No. 104,202

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